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VIA ECF

Honorable Brian M. Cogan
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Jarvis Roberts, et al. v. City of New York, et al.
16-cv-5409 (BMC)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department, and the attorney assigned to represent Defendant City of New York in the above-referenced matter. Defendant City writes pursuant to the Court's Order dated November 22, 2016, directing the Defendant to supplement its statement of the case articulated in the Parties' joint pre-conference letter, dated November 18, 2016. Since the Initial Conference, held on November 22, 2016, this Office has conferred with officers involved in Plaintiffs' arrests, and reviewed documentation pertaining to the arrests. As a result of that additional investigation, Defendant writes to confirm its statement of the case as described to the Court at the Initial Conference, detailed below.

On February 1, 2014, officers with the New York City Police Department ("NYPD"), acting on information obtained by the NYPD, responded to 315 Sutter Avenue, Apt. 14F, to search for a weapon. The officers were given consent to search the apartment. The officers found four individuals, including the three Plaintiffs, in a bedroom. The officers requested and received permission to search the bedroom. The four individuals were asked to exit the bedroom during the search. The individual who gave consent to search the apartment was present for the search of the bedroom. In the course of the search of the bedroom, a loaded pistol was recovered from a dresser drawer. The four individuals who had been present in the bedroom, including the three Plaintiffs, were then arrested for criminal possession of the weapon. Plaintiffs Jarvis Roberts and Kendall Massey, and the fourth non-party individual, were charged with criminal possession of the weapon. The District Attorney's office declined to prosecute Plaintiff Gregory Roberts.

Defendant thanks the Court for its consideration herein.

Respectfully submitted,

/s/

Hannah V. Faddis

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Special Federal Litigation Division

cc: **VIA ECF**
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Attorney for Plaintiff